

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>RUTH SMITH, Individually and as Widow</b>	)	
<b>for the Use and Benefit of Herself and the</b>	)	
<b>Next of Kin of RICHARD SMITH, Deceased,</b>	)	<b>Case #: 3:05-00444</b>
	)	<b>Judge Trauger</b>
<b>Plaintiff,</b>	)	
	)	
<b>-against-</b>	)	
	)	
<b>PFIZER INC., PARKE-DAVIS,</b>	)	
<b>a division of Warner-Lambert Company</b>	)	
<b>and Warner-Lambert Company LLC,</b>	)	
<b>WARNER-LAMBERT COMPANY,</b>	)	
<b>WARNER-LAMBERT COMPANY LLC and</b>	)	
<b>JOHN DOE(S) 1-10,</b>	)	
	)	
<b>Defendants.</b>	)	

**DECLARATION OF KENNETH B. FROMSON, ESQ.  
IN OPPOSITION TO DEFENDANTS' MOTION *IN LIMINE*  
TO EXCLUDE EVIDENCE OF POST-INCIDENT REGULATORY  
ACTIONS, LABELING, AND PATIENT INFORMATION GUIDES**

I, Kenneth B. Fromson, deposes and states as follows:

1. I am a partner with the law firm of Finkelstein & Partners, LLP, attorneys for the Plaintiff.
2. This declaration is submitted in opposition to Defendants' Motion *in Limine* to exclude evidence of post-incident regulatory actions, labeling and patient information guides.
3. The following documents are attached hereto in opposition to Defendants' motion:
  - Exhibit A - April, 2009 Letter from the FDA to Pfizer and attached 2009 new label for Neurontin
  - Exhibit B - Excerpts from expert report of Plaintiff's expert Dr. Cheryl Blume, pp. 195, 196

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 27, 2010

/s/ Kenneth B. Fromson

Kenneth B. Fromson  
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*Attorneys for Plaintiff Ruth Smith*

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 27th day of April, 2010, I electronically filed the foregoing document with the Clerk of the Court, United States District Court for the Middle District of Tennessee, using the CM/ECF system. True and correct copies of the foregoing documents are being served via the Court's CM/ECF system on the following:

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/s/ Kenneth B. Fromson

Kenneth B. Fromson